



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------------------------------------------------------------------------------|-------------|----------------------|------------------------------|------------------------|
| 09/786,208 | 05/08/2001 | Keiichi Nakajima | 000790/0002 | 6261 |
| 26610 7590 07/23/2007 STROOCK & STROOCK & LAVAN LLP 180 MAIDEN LANE NEW YORK, NY 10038 | | | EXAMINER ELISCA, PIERRE E | |
| | | | ART UNIT 3621 | PAPER NUMBER |
| | | | MAIL DATE 07/23/2007 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/786,208

Applicant(s)

NAKAJIMA, KEIICHI

Examiner

Pierre E. Elisca

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 40, 41, 46, 47, 52-77, 98 and 100-118 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 40, 41, 46, 47, 52-77, 98 and 100-118 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>5/1/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to Applicant's amendment filed on 05/01/2007.
2. Claims 1-11, 40, 41, 46, 47, 52-77, 98, and 100-118 remain pending.
3. The rejection to claims 1-11, 40, 41, 46, 47, 52-77, 98, and 100-118 under 35 U.S.C. 102 (e) as being anticipated by Levchin et al (U.S. Pg Pub No. 2006/0253340) as set forth in the office action mailed on 02/09/2007 is maintained.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

5. Claims 1-11, 40, 41, 46, 47, 52-77, 98, and 100-118 are rejected under 35 U.S.C 102 (e) as being anticipated by Levchin et al (U.S. Pg Pub No. 2006/0253340).

As per claims 1 discloses a first terminal that is a vending machine connecting to the communication network (network 102) and having an information indicating unit, a second terminal (client computer 122a, digital assistance 122b, wireless telephone, 122c) that is at least one of a cellular telephone and a PDA and having a unique ID information (electronic mail address, telephone number, IP address etc.), an antenna and an input unit, said second terminal being connectable to said first terminal through the communication network with said antenna, and a transaction apparatus

communicating with said first and second terminals through the communication network (network 120), said transaction apparatus storing said unique ID information of said second terminal in advance, said transaction apparatus setting up and sending a transaction ID (transaction identifier) information to said first terminal, said transaction apparatus receiving from said second terminal said unique ID information of said second terminal together with said transaction ID information, said transaction apparatus performing the transaction by synchronizing (synchronization server 106) a communication with said first terminal and said second terminal when said unique ID information received from said second terminal is identical with that stored in said transaction apparatus in advance previously (see., figs 1 and 2, [0007]- [0009], [0021], [0022], and [0029]-[0041]).

As per claims 2-11, 40, 41, 46, 47, 52-77, 98 and 100-118, they are not substantially different than the limitations of claim 1. In fact, they do not further limit the scope of the invention and all their limitations are taught by Levchin. Therefore, they are rejected under the same 35 USC 102 rationale as claim 1.

RESPONSE TO ARGUMENTS

6. Applicant's arguments filed on 05/01/2007 have been fully considered but they are not persuasive.

Art Unit: 3621

REMARKS

7. In regard to Applicant's arguments filed on 05/01/2007, Applicant argues that the cited reference Levchin only would be prior art if all of the portions of the reference cited in the Office Action are fully-supported by the two provisional application filed before this application, those being appln. Nos 60/131,785, filed April 30, 1999, and 60/144,633, filed July 19, 1999. However, the Examiner respectfully disagrees with this assertion since those two provisional applications are fully-supported all of the portions of the reference cited, and therefore those cited portions of Levchin are entitled to the filing dates of the provisional applications. See., below.

Claims 1-11, 40, 41, 46, 47, 52-77, 98, and 100-118 are rejected under 35 U.S.C 102 (e) as being anticipated by Levchin et al (60/131,785).

As per claim 1 discloses a first terminal that is a vending machine connecting to the communication network and having an information indicating unit, a second terminal that is at least one of a cellular telephone and a PDA and having a unique ID information, an antenna and an input unit, said second terminal being connectable to said first terminal through the communication network with said antenna, and a transaction apparatus communicating with said first and second terminals through the communication network, said transaction apparatus storing said unique ID information of said second terminal in advance, said transaction apparatus setting up and sending a transaction ID information to said first terminal, said transaction apparatus receiving from said second terminal said unique ID information of said second terminal together

Art Unit: 3621

with said transaction ID information, said transaction apparatus performing the transaction by synchronizing a communication with said first terminal and said second terminal when said unique ID information received from said second terminal is identical with that stored in said transaction apparatus in advance previously (see., figs 1-9, pages 1-4).

As per claims 2-11, 40, 41, 46, 47, 52-77, 98 and 100-118, they are not substantially different than the limitations of claim 1. In fact, they do not further limit the scope of the invention and all their limitations are taught by Levchin. Therefore, they are rejected under the same 35 USC 102 rationale as claim1.

Claims 1-11, 40, 41, 46, 47, 52-77, 98, and 100-118 are rejected under 35 U.S.C 102 (e) as being anticipated by Levchin et al (60/144,633).

As per claim 1 discloses a first terminal that is a vending machine connecting to the communication network and having an information indicating unit, a second terminal that is at least one of a cellular telephone and a PDA and having a unique ID information, an antenna and an input unit, said second terminal being connectable to said first terminal through the communication network with said antenna, and a transaction apparatus communicating with said first and second terminals through the communication network, said transaction apparatus storing said unique ID information of said second terminal in advance, said transaction apparatus setting up and sending a transaction ID information to said first terminal, said transaction apparatus receiving

Art Unit: 3621

from said second terminal said unique ID information of said second terminal together with said transaction ID information, said transaction apparatus performing the transaction by synchronizing a communication with said first terminal and said second terminal when said unique ID information received from said second terminal is identical with that stored in said transaction apparatus in advance previously (see., figs 1-9, pages 1-5).

As per claims 2-11, 40, 41, 46, 47, 52-77, 98 and 100-118, they are not substantially different than the limitations of claim 1. In fact, they do not further limit the scope of the invention and all their limitations are taught by Levchin. Therefore, they are rejected under the same 35 USC 102 rationale as claim1.

Conclusion

8. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


Art Unit: 3621

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 571 272 6706. The examiner can normally be reached on 6:30 to 5:00. Patents and hoteling.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on 571 272 6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


PIERRE EDDY ELISCA
PRIMARY EXAMINER
TECHNOLOGY CENTER 2600

July 18, 2007